

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of the Port)
of St. Helens for a Comprehensive Plan) ORDINANCE NO. 2007-3
Map Amendment and Zone Change from)
Rural Residential (RR-5) to Airport)
Industrial (AI))

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2007-3

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, and 197.610 to 197.615.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the application of the Port of St. Helens for a Comprehensive Plan Map Amendment from Rural Residential to Rural Industrial and Zone Change from Rural Residential (RR-5) to Airport Industrial (AI), for a 3.22 acre parcel having tax account number 3106-020-01600.

SECTION 4. FINDINGS.

- A. The Board of County Commissioners adopts findings of fact and conclusions of law contained in the Staff Report of the Department of Land Development Services dated January 24, 2007, a copy of which is attached hereto as Attachment A, and is incorporated herein by this reference.
- B. The Board of County Commissioners adopts supplemental findings of fact and conclusions of law which are attached hereto as Attachment B, and are incorporated herein by this reference.

SECTION 6. AMENDMENT AND AUTHORIZATION.

- A. The Columbia County Comprehensive Plan Map designation for the 3.22 acre parcel is hereby amended from Rural Residential to Rural Industrial.
- B. The Zoning Map designation for the 3.22 acre parcel is hereby amended from Rural Residential (RR-5) to Airport Industrial (AI).

C. The amendments set forth herein are subject to the following conditions of approval:

1. Applicant and any future owner shall not construct any building or buildings on the subject parcel that exceed 35,000 square feet in totality, unless (1) the Applicant or future owner otherwise complies with OAR 660-004-018(2)(b), as amended; (2) the property is annexed into the City of Scappoose Urban Growth Boundary; or (3) the use is authorized within an airport boundary irrespective of size under ORS 836.616(2) and OAR 660-013-0110.
2. Prior to obtaining a building permit, the Applicant or future owner shall obtain Site Design Review approval in accordance with Columbia County Zoning Ordinance Section 1550, unless the property is annexed into the City of Scappoose.
3. Prior to obtaining a building permit to remove the existing home the Applicant or future owner shall abandon the septic system in accordance with OAR 340-71-185.

DATED this 14th day of March, 2007.

Approved as to Form

By: Sarah Hanson
Office of County Counsel

Recording Secretary

By: Jan Greenhalgh
Jan Greenhalgh, Recording Secretary

First Reading: 2-28-07

Second Reading: 3-14-07

Effective Date: 6-12-07

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard
Rita Bernhard, Chair

By: Anthony Hyde
Anthony Hyde, Commissioner

By: Joe Corsiglia
Joe Corsiglia, Commissioner

ATTACHMENT A

COLUMBIA COUNTY BOARD OF COMMISSIONERS

STAFF REPORT

January 24, 2007

Plan Amendment and Zone Change

HEARING DATE: January 31, 2007

FILE NUMBER: ZC 06-05/PA 06-02

APPLICANT: Port of St. Helens Mark Greenfield
 PO Box 598 495 NW Greenleaf Rd.
 St. Helens, OR 97051 Portland, OR 97229

TAX LOT: 3106-020-01600
 3.22 acres

OWNER: Port of St. Helens
 PO Box 598
 St. Helens, OR 97051

PROPERTY LOCATION: 53751 Ring-a-Ring Road, adjoining the Scappoose Airport and outside the
 Scappoose UGB

REQUEST: To amend the Comprehensive Plan re-designating the site from Rural Residential
 to Rural Industrial and to re-zone the property from Rural Residential (RR-5) to
 Airport Industrial (AI).

PRESENT PLAN & ZONING: Rural Residential/Rural Residential (RR-5)

PROPOSED PLAN & ZONING: Rural Industrial/Airport Industrial (AI)

DATE APPLICATION COMPLETE: 07/17/06 150th DAY: N/A ORS 215.427(6)

ATTACHMENTS: Application and Narrative dated 6/21/06
 Vicinity Map, zoning, address
 Agency Comments
 Planning Commission Minutes

REVIEW CRITERIA:

PAGE

Columbia County Zoning Ordinance (CCZO)

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BACKGROUND:

The applicant proposes to change the Comprehensive Plan designation and zoning on one parcel fronting Ring-a-Ring Road that adjoins the east side of the Scappoose Airport. The change is from Rural Residential (RR-5) to Rural Industrial, Airport Industrial (AI). The site is outside the City of Scappoose Urban Growth Boundary (UGB).

The subject 3.22-acre tax lot has an existing mobile home, garage and garden area. Access to the site is near the dead end of a paved portion of Ring-a-Ring Road that intersects with Moore Road, Honeyman Road and eventually West Lane Road all of which adjoin airport property. Ring-a-Ring Road is designated as a Local Road on the County Transportation System Plan. The parcel is flat, has 196 feet of street frontage and is 196' x 503' in dimension. The site has a septic system, well water and electric power.

The property is level and has a garden-variety mix of evergreen and deciduous vegetation. The FEMA flood hazard map (41009C0444C) indicates the subject property is not within a flood hazard area. No streams or other water features were visible on the site. The National Wetland Inventory, Chapman Quadrangle does not indicate the presence of any wetlands on the site. The site is located in the Airport Landing Field Overlay Zone (ALF), and is within the Scappoose Fire Protection District.

Land use surrounding the site is characterized by a mix of airport, industrial, rural residential and agricultural land use. The subject property is bordered on the west by the Scappoose Industrial Airpark; on the north and south by similarly sized home sites zoned for rural residential use; and on the east by Ring-a-Ring Road with farmland across the street. The farmland is part of what is commonly known as the Meier property, formerly owned by Glacier Northwest and recently purchased by Sierra Pacific. The Meier property is designated Agricultural and zoned for Exclusive Farm Use.

During the 1980s and 1990s, the Meier property was a subject of contention in the area, as Glacier wanted to mine it for aggregate. Because of conflicts between mining operations and light industrial development, this

ultimately resulted in the County amending its comprehensive plan to prohibit any new or expanded mining operations within 3,000 feet of areas identified for non-polluting industrial uses. More recently, the Meier site was suggested for possible use as a police academy, but the location did not compare favorably with other sites so that proposal never really got off the ground. Sierra Pacific now owns the land.

Over the past several years, the Port and Glacier negotiated terms for the purchase and sale of the Meier property to the Port. The Port was particularly interested in 60 acres immediately east of the Airpark to accommodate hangar construction and Airpark industrial expansion forecast to occur over the next 20 years. As illustrated in the Airport Layout Plan that is part of the 2004 Airpark Master Plan, the Port envisioned using those 60 acres to accommodate aircraft parking, hangars or airport industrial expansion.

However, this year, following continuing negotiations with Glacier and Sierra Pacific, the Port Commission voted to drop the Port's option to purchase the Meier site. As a consequence, those 60 acres are not available to meet the Port's long-term need for additional land. According to the applicant, his makes future acquisition from willing sellers of the rural residential properties east of the airport all the more important.

The "Scappoose Industrial Airport Master Plan," 2004 was prepared for the Port and a copy was subsequently provided to the County. The plan illustrates the subject site as due east and close to the existing runway. Sheet 2 of the Airport Master Plan denotes this small residential area as "Development Alternative Pending." In the same plan, Exhibit A Sheet 1 indicates "Area to be Acquired if Available." The future use of the subject site and the adjoining residential parcels has not yet been determined by the Port, but because of its proximity to airport operations it is clearly included in the long range planning for the airport. The Port indicated by phone (Kim 8/23/06) it is very unlikely that the subject 3.22-acre site would be developed before acquisition of other adjoining residential parcels. The Port and the Master Plan have not identified specific use of the subject site.

The Port of St. Helens purchased the subject site with Federal Aviation Administration (FAA) funds. The FAA provided the acquisition funding based on the site's inclusion in the Master Plan, and required that the Port apply for the appropriate zone change to assure future compatibility with airport use.

FINDINGS:

CCZO Section 940 Airport Industrial AI Zone

- 921 **Purpose:** This District is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. It is further intended to provide appropriate locations for airport related light industrial uses that are compatible with and dependent upon air transportation.

Finding 1: Staff finds that the subject parcel adjoins the Scappoose Airport, is in the Airport Landing Field Overlay Zone and is included in the Scappoose Industrial Air Park and Airport Master Plan for future

acquisition. The Plan projects significant growth in airport operations to the year 2022. The Plan identifies the east side of the airport and the subject site as “Development Alternative Pending” (Sheet 2 of Master Plan). Further, Plan Exhibit A, Sheet 1 identifies the subject site as an “area to be acquired if available.” Therefore the Port has purchased the subject site. The FAA provided funding for the Port to purchase the site because of the Plan, and they required that the site be zoned for airport purposes, since the current Rural Residential RR-5 Zone does not permit airport or related uses.

The County finds that Comprehensive Plan re-designation and rezoning of the site from RR-5 to AI is consistent with the above-described purpose of the AI Zone because the site adjoins the airport and is identified within the Scappoose Air Park and Airport Master Plan as an appropriate and needed area for airport expansion.

Continuing with CCZO, Section 940,

942 Airport Industrial AI Permitted Uses:

942 Uses Permitted Outright:

- .1 Aerial mapping and surveying.
- .2 Air cargo warehousing and distribution facilities.
- .3 Airport operation facilities, including aircraft hangers, fuel storage facilities, control towers, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, firefighting facilities, and other uses and buildings necessary for airport operation.
- .4 Aircraft and aircraft component manufacturing or assembly.
- .5 Aircraft sales, repair, service and storage.
- .6 Aircraft related research and testing.
- .7 Aircraft or air transportation businesses.
- .8 Auto rental agencies.
- .9 Day care and recreational facilities exclusively for employers and employees of businesses located within this district.
- .10 Farm Uses.
- .11 Greenways, including but not limited to bicycle and pedestrian paths.
- .12 Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.
- .13 Public parking and auto storage.
- .14 Schools relating to aircraft operation.

- .15 Snack shop for airport clientele with a total floor area no larger than 1200 square feet.
- .16 Taxi, bus and truck terminals.

943 Uses Permitted Under Prescribed Conditions: The following uses shall be permitted upon demonstration of compliance with the standards in this subsection:

- .1 Motels, hotels, and gift shops, upon demonstration that they are compatible with airport operations and, if located outside an urban growth boundary, of a size and scale intended primarily to serve air service patrons.
- .2 Cafeterias and restaurants; upon demonstration that they are compatible with airport operations and, if located outside an urban growth boundary, of a size and scale intended primarily to serve air service patrons and employees working at businesses located within this district.
- .3 Manufacturing, assembling, testing, repairing, packaging and distribution of precision testing optics; precision testing equipment; and components, devices, equipment, instruments and systems of an electronic or electromagnetic nature, such as coils, tubes, semi-conductors and similar components; communications, navigation, transmission and reception equipment, control equipment and systems; data processing equipment and systems; electronic parts and components; metering instruments; telecommunications equipment; and scientific instruments; upon demonstration that the use is dependent upon air transportation.

A. An industrial use is dependent upon air transportation if it requires a location at or adjacent to an airport to be economically viable. Economic viability is measured by determining whether the use or activity would suffer an economic disadvantage if not located at or adjacent to an airport. Considerations include the percentage of business done with air cargo; the industry's dependence on air transportation by staff, management, sales personnel, vendors, or clientele; the industry's site size requirements; and the industry's interest in locating in a non-metropolitan area of the state.

B. Industrial uses shall be considered dependent upon air transportation where:

- 1. More than 30 percent of the products produced would be shipped through air cargo; or
- 2. More than 30 percent of gross sales would be with customers located out of state; or
- 3. Sales or service of the product requires a rapid response that can only be achieved through air transport; or
- 4. The use would suffer an economic disadvantage if not located at or adjacent to an airport.

944 Conformance with Aircraft Landing Field Overlay Zone Requirements:

- .1 Where a use established within this district is also subject to the requirements of the Aircraft Landing Field Overlay Zone, the use shall conform with the requirements of that zone, with Federal Aviation Agency Regulation FAR-77 or its successor, and with other applicable Federal and State laws regulating structure height, lights, glare producing surfaces, radio interference, smoke, dust, steam, or other hazards to flight or air navigation.
- .2 In the event of conflict between the requirements of the Aircraft Landing Field Overlay Zone and FAR-77 or its successor, the requirements in FAR-77 or its successor shall control.

Finding 2: The County finds that the permitted uses in the AI Zone are airport related or compatible with airport operations. Further, AI Zone Conditional Uses that are service related are permitted only after public input and Planning Commission findings demonstrating that such uses are compatible with airport operations, and are of a size and scale intended primarily to serve air service patron and employees in the district. Similarly, Conditional Uses that are light industrial in nature are restricted to precision testing equipment, electronic components and instruments and similar specialized light manufacturing uses only if they are shown to be dependent on air transportation. The Airport Industrial Zone was created for airport related uses, as recognized by the Port and the FAA. Any proposed use on the subject site will be required to comply with AI Zone restrictions and development standards, and must obtain design review approval from the County. Any proposed use must also comply with the provisions of the Airport Landing Field Overlay Zone as per Section 944 above.

Continuing with CCZO Section 940 - AI Zone

945 Standards:

- .1 Lot or Parcel Size: There is no minimum lot or parcel size in the AI district, except where Oregon Department of Environmental Quality standards require a minimum area for sewage disposal.
- .2 Setbacks: No front, side or rear yard setbacks except on lots or parcels abutting a residential district, where the minimum setback is 50 feet on the side abutting or facing the residential district.
- .3 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.
- .4 Services: All lots or parcels shall have frontage on or approved access to a public street, a water system, and a sewage disposal system prior to occupancy.
- .5 Site Coverage: The maximum site coverage shall be 85 percent, including buildings and impervious surfaces.
- .6 Landscaping: The minimum landscaping requirement shall be 15 percent. Maintenance of landscaping shall be the owner's responsibility.

946 Limitations on Uses: In the AI zone, the following conditions shall apply:

- .1 Storage of animal, vegetable, or other wastes which attract insects, rodents or birds is prohibited.
- .2 Emission of smoke, fumes, fly ash, dust, vapor, gases, or other forms of air pollution that may interfere with present or planned aircraft operations is prohibited.
- .3 Sign lighting and exterior lighting shall not project directly into:
 - A. The runway, taxiway, or approach zone, unless necessary for safe and convenient air travel; or
 - B. An adjoining residential zone.
- .4 Building materials shall not produce glare which may conflict with any present or planned operation of the airport.
- .5 No use may produce electromagnetic interference which may conflict with any present or planned operations of the airport.

947 Review Procedures:

- .1 The Planning Commission shall review, in accordance with Section 1603, all requests made pursuant to Section 943.
- .2 The Planning Commission's action may be appealed to the Board of Commissioners pursuant to Section 1703; provided, however, that the appeal shall be on the record unless the Board, on request by any party, chooses to allow new evidence to be submitted. The Board shall grant a request to allow new evidence only where it finds that:
 - A. The additional evidence could not reasonably have been presented at the prior hearing; and
 - B. The evidence proposed to be submitted is necessary to fully and properly evaluate a significant issue relevant to the proposed action; and
 - C. The request is not likely to cause any substantial delay in the proceeding.

948 Design Review: Uses authorized in the AI zone shall be subject to site design review as provided in Section 1550 of the Columbia County Zoning Ordinance. Where a hearing is required under Section 947, the Planning Commission concurrently shall consider compliance with the requirements of Section 1550.

Finding 3: The County finds that the AI standards must be satisfied at the time of specific development proposal. Since there is no development proposal with this request these paragraphs do not apply. These Sections were included in the Staff Report to demonstrate the standards and public review necessary for a proposed development on the subject property, if rezoned.

Continuing with CCZO: Section 1500 DISCRETIONARY PERMITS The pertinent sections of the ordinance are as follows:

Section 1502 Zone Changes (Map Amendments):

1. Major Map Amendments are defined as Zone Changes which require the Comprehensive Plan Map to be amended in order to allow the proposed Zone Change to conform with the Comprehensive Plan. The approval of this type of Zone Change is a 2-step process:

- A. The Commission shall hold a hearing on the proposed Zone Change, either concurrently or following a hearing on the proposed amendment to the Comprehensive Plan which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Commission may recommend approval of a Major Map Amendment to the Board of Commissioners provided they find adequate evidence has been presented at the hearing substantiating the following:

1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;

2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and

3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

- B. Final approval of a Major Map Amendment may be given by the Board of Commissioners. The Commissioners shall hold a hearing on the proposed Zone Change either concurrently or following a hearing on the proposed Comprehensive Plan Amendment which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Board may approve a Major Map Amendment provided they find adequate evidence has been presented substantiating the following:

1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;

2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and

3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

Finding 4: The proposed zone change is being processed as a Major Map Amendment, since the zone change requires the County's Comprehensive Plan Map to be amended in order for the Zoning Map and the Comprehensive Plan Map to be in agreement. The County Plan currently designates the site Rural Residential with a zone designation of Rural Residential RR-5. The request is to change the Plan designation to Rural

Industrial and the zone to Airport Industrial A-I.

**CCZO Section 1502.1(A)(1): COMPLIANCE WITH THE COLUMBIA COUNTY
COMPREHENSIVE PLAN**

Finding 5: The County finds that the applicant has adequately addressed the Plan policies and that the subject request is in compliance with the relevant policies of the Columbia County Comprehensive Plan as described in the goal findings below.

Part I Citizen Involvement: Citizen Involvement Goals 1, 3, 5 and 6 and Policy 4 are aimed at assuring citizens the opportunity to review and recommend changes to the comprehensive plan and land use regulations and to participate in the planning process and planning functions. These requirements are met through the public notice and public hearings provided in conjunction with this application. In accordance with Citizen involvement Goal 5, notice of this request was provided to the Scappoose CPAC who provided comments. The CPAC recommended “denial of the proposal until the Port has purchased all four of the neighboring RR-5 property because airport industrial use will be incompatible with existing RR-5 uses (compatibility with adjacent uses is required per State Land Use Goal 2 – II).” The CPAC will have the ability to attend and comment at two public hearings on this proposal.

In regards to requiring the Port to wait until all four residentially parcels are acquired before allowing a zone change: The County can not require the proposal to include the four remaining residential properties in the immediate vicinity. The Port has no development plans for the site, and they stated it is unlikely that there will be any use proposed for the site until the other parcels are also available. Any proposed airpark use on the subject property will impose a site design review hearing to examine potential incompatibility to adjoining residential uses. The County finds that both the existing zoning and the proposed zoning are rural zones; and, that in the long term, these four residential parcels are needed for airport expansion, as described in the Scappoose Industrial Air Park and Airport Master Plan, and in accordance with economic, industrial and transportation goals of the County Comprehensive Plan.

Part III Planning Coordination: The County is responsible for coordinating the plans of Scappoose and other cities in its jurisdiction. The subject site is outside the Scappoose UGB. Notice of the request was provided to agencies including the Scappoose CPAC. The County has considered their comments, but believes the proposal complies with the approval criteria as described in this report and the applicant’s application.

Part IV Forest Lands, Part V Agriculture, & Part VI Housing: The County finds that these three Plan goals are not applicable because there is no designated forest or agricultural land on the subject site, and there is only one home on the site. The adjoining five home sites in the immediate area are not planned for additional housing needs in the county due to the proximity to the airport.

Part IX Urbanization: One purpose of this County urbanization goal is to provide for an orderly and efficient transition from rural to urban use and to minimize the conflicts between land uses. In particular, Policy 5 recognizes the need to minimize conflicts between urban and rural uses. The Scappoose CPAC stated that the proposal will create conflicts between incompatible residential uses and adjoining airport uses on the subject site. But the County finds that the proposal is consistent with the policy because: 1) there will continue to be a

rural level of public facilities and services; 2) that both the existing and proposed zones are rural zones; 3) that future use of the site will likely occur only if all of the adjoining residential parcels are acquired by the Port for airport use. Further, all of the residential parcels are in the Airport Master Plan. have been identified for potential future acquisition; and 4) any proposed use of the site would require a site design review public hearing, requiring siting criteria, screening and landscaping designed to mitigate effects of incompatible bordering zone uses.

Urbanization Policy 20 directs the county to limit development outside UGB's to densities that do not require an urban level of public facilities and services. The proposed plan amendment and zone change are consistent with this policy because the County will need to require per condition that the allowed uses will be rural in their intensity and will be served by a level of public facilities and services appropriate for a rural area.

Part X Economy: Economy Goal 1 and Policies 1 and 2 encourage a strong, stable, diversified economy offering new and continuous employment opportunities. The proposed amendments are consistent with the goal and policies in that they will provide opportunities for new airport-related uses, including airport related industrial uses, at the Scappoose Industrial Airpark. The airport is the second busiest airport without an air traffic control tower in the state. Historically the airport was a recreational base for users, but the northwest corner of Oregon has seen tremendous growth, increased property valuations, and continued airport related growth. The Comprehensive Plan states that substantial airport growth is projected and will result in the Scappoose Airport becoming the general aviation base for Portland when the Hillsboro and Troutdale airports reach capacity (page 216). This proposal adds 3.22 acres to the airport area identified in the Master Plan. Further, the County finds that LCDC previously approved County exceptions to permit airport activities and airport-related light industrial uses as described on page 119 and 173 – 181 of the Comprehensive Plan.

Policy 13 encourages industry that needs or can benefit from the locational advantages of an airport. That is why the County created the Airport Industrial Zone. The County finds that the subject site is within the Airport Master Plan which projects a need for additional land associated with airport-related rural industrial expansion.

Part XII Industrial Development: Industrial Development Goals 1 and 3 and Policies 1 and 2 encourage industrial development to strengthen, diversify and stabilize Columbia County's economy. Adding three acres of land at the Airpark to the inventory of industrial lands and making them available for airport related industrial development will further these goals and objectives. This is consistent with the Airport Master Plan projection that land is needed for future airpark facilities and the FAA funding to purchase the subject site.

Part XIII Transportation: Transportation Policy 8 directs the County to zone the Scappoose airport to allow the development of airport related industrial uses. The Airport Field Landing Overlay Zone was applied to the airport area, including the subject site. Re-designating the subject property industrial and rezoning Airport Industrial is consistent with this policy and makes the zoning of the subject property consistent with the zoning of the adjoining lands in the Airpark.

Part XIV Public Facilities and Services: The Public Facilities and Services Goal is to plan and develop a timely, orderly and efficient arrangement of public services as a framework for urban and rural development. Policy 1 requires that adequate types of levels of facilities be provided in advance of or concurrent with development, and Policy 2 requires that the level of facilities and services be appropriate for but limited to the

needs and requirements of the area to be served. The proposed plan amendment and zone change are consistent with this goal and policies for the reasons provided to show compliance with statewide planning Goal 2, Part II, namely that the existing services are rural in their intensity, and such services are appropriate and adequate to serve any new development that might locate on the subject property.

Public Facilities Policy 4 encourages new development on lands within UGBs or built or committed exception areas. This policy is met because the subject property is a built or committed exception area. Also, Policy 9 is satisfied because the subject property lies within a built or committed area where rural scale services already exist.

Part XV Energy Conservation: Energy Conservation Policy 1 can be met through County encouragement of energy saving building practices for industrial buildings at the time of a development proposal on the site.

Part XVIII Air, Land and Water Resources: Policy 2 directs the County to work with state and federal agencies to meet air and water quality standards. For this application, these standards can be met for the reasons set out in the findings addressing statewide Goal 6 below.

Continuing with CCZO:

Section 1502.1(A)(2) COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

Finding 6: The County finds that the applicant has addressed the Statewide Planning Goals and is in compliance with them as described and paraphrased below, subject to two conditions of approval related to compliance with Goal 2 and Goal 11. The County finds that the DLCD has not commented on the proposal, and therefore, does not find any conflict with the proposal and state planning goals.

Goal 1 (Citizen Involvement): Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

For quasi-judicial comprehensive plan amendments and zone changes, the County's land use regulations, ORS 215.060 and ORS 197.610 require notice to the public and to the Department of Land Conservation and Development (DLCD) and public hearings before the County Planning Commission and Board of Commissioners. By complying with these regulations and statutes, the County complies with Goal 1.

The County provided notice to DLCD and has received no written comment as of the date of this staff report. Agency referrals were sent to the City of Scappoose, the Scappoose CPAC, the Scappoose Fire District and the County Roadmaster, Sanitarian and Building Official. Their comments are discussed in this report under comments. Property owners within the required notice area were notified of the Planning Commission hearing and notified again of the Board hearing. The first hearing before the Planning Commission was held on September 11, 2006. The hearing before the Board of County Commissioners is scheduled for January 31, 2007. The County finds that Goal 1 has been satisfied.

Goal 2 (Land Use Planning), Part I: Goal 2, Part 1 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. Consistency with the applicable provisions of the acknowledged Columbia County Comprehensive Plan is demonstrated below.

Goal 2, Part I requires coordination with affected governments and agencies and an adequate factual base. This proposal is based on provisions in the Port's 2004 *Scappoose Industrial Airpark Airport Master Plan* ("Master Plan"), which the Port developed and adopted through a public process in coordination with the Federal Aviation Administration, the Oregon Department of Aviation, the City of Scappoose and Columbia County. Furthermore, in preparing this application, the Port has coordinated with the City of Scappoose, Columbia County Land Development Services through pre-application conference, and DLCDC. The Port discussed various alternatives with these governmental entities, including taking Goal 14 exceptions or expanding the City of Scappoose Urban Growth Boundary (UGB) to include the subject property. Those discussions resulted in a determination that the proposed plan amendment and zone change presented the best option for converting the subject property to airport industrial use.

The factual base supporting this application is set out in the Master Plan, with which this application is consistent, and in other supporting documents provided by the Port during the course of this proceeding. For these reasons, the County finds that the requirements of Goal 2 Part I are met.

Goal 2 (Land Use Planning), Part II: Goal 2, Part II authorizes three different types of exceptions: (1) physically developed (previously called "built"); (2) irrevocably committed; and (3) reasons exceptions. Standards for taking these kinds of exceptions are set out in LCDC's rule interpreting the Goal 2 exceptions process, OAR 660, Division 4. Besides addressing how a local government takes these kinds of exceptions in the first instance, the rule sets out standards that apply when a local government proposes to change existing types of uses, densities or public facilities and services authorized under prior exceptions.

When a local government proposes to change the types or intensities of uses or public facilities and services within an exception area previously approved under a "reasons" exception, then a new "reasons" exception is required. See OAR 660-004-0018(4)(b). However, where the proposed changes would apply within an exception area previously approved under a "physically developed" or "irrevocably committed" exception, a new exception is not required unless the permitted uses, densities and public facilities and services fail to meet the following requirements set out in OAR 660-004-0018(2)(b):

"(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and

"(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to non-resource use as defined in OAR 660-004-0028; and

“© The rural uses, density, and public facilities and services are compatible with adjacent and nearby resource uses.”¹

Because the subject 3.22-acre site was initially acknowledged as a physically developed or committed exception, OAR 660-004-0018(2)(b) applies, meaning that a new exception is needed *only* if the proposed changes do not meet the identified standards. For the following reasons, the proposed changes meet these standards. Hence, a new exception is not required, and the requirements of Goal 2, Part II are satisfied.

Maintain land as Rural Land. In DLCD Order 001643 (Umatilla County), dated December 1, 2004, a copy of which is in the application, DLCD explained that pursuant to a Land Conservation and Development Commission (LCDC) interpretation of Goal 14 made in response to Lane County’s submittal under periodic review, an industrial zone is deemed “rural” consistent with Goal 14 (Urbanization) if the building size is limited to a size that is “less intensive” than the building size limitations required for industrial uses authorized inside unincorporated communities. DLCD added that 35,000 square feet is the measurement it commonly uses to determine if an industrial use has exceeded the rural threshold.²

This application complies with the requirement to maintain the land as “rural land” because (1) existing industrial buildings at the Airpark are smaller than 35,000 square feet; (2) the Port does not anticipate that new industrial buildings at the Airpark would exceed 35,000 square feet in size; and (3) *the Port would accept a condition of approval that requires the Port to either obtain County approval of a Goal 14 exception for this site or bring this site inside Scappoose’s urban growth boundary before on-site construction could occur or limit a new or expanded industrial building to not exceeding 35,000 square feet in size.*³ Furthermore, as described below, existing public facilities and services on the east side of the Airpark are rural in scale and would remain appropriate for and limited to the needs of rural development if the rezoning is approved, unless adjoining sites extend new services to the subject area.

Do not Commit Nearby Resource Lands to Non-resource Uses. Properties to the north, west and south of the subject property are either zoned Rural Residential or located inside the Scappoose UGB. However, the property east of the subject property is resource land designated and zoned for exclusive farm use. This property, commonly known as the Meier site, also borders the Airpark farther to the south of the subject property. For more than half a century, it has remained available for resource use despite being next to an industrial airpark.

Because uses, densities and public facilities and services on the 3.22 acre site would be of the same type and intensity as those found elsewhere on the Airpark property, and because agricultural land generally is

¹As used in this rule, “resource land” includes only those lands subject to statewide planning Goals 3 (Agricultural Lands), 4 (Forest Lands), and coastal goals 16-18. See OAR 660-004-0005(2).

²DLCD Order 001643 at pages 2-6.

³The AI zone also allows some limited commercial uses (e.g., motels, gift shops, cafeterias and restaurants) outside the Scappoose UGB if they are “of a size and scale intended primarily to serve air service patrons and/or employees working at businesses at the Airpark. The County can and should interpret this language as authorizing these uses if the building sizes are consistent with LCDC’s interpretation of Goal 14 as explained in the Umatilla County periodic review order.

considered compatible with industrial uses, it follows that development of the 3.22 acre site should not commit the Meier site or other resource lands farther away from the Airpark to non-resource uses.

Compatibility with Adjacent and Nearby Resource Uses. The rural uses, densities and public facilities and services that would be allowed by the proposed plan amendment and zone change would be the same as those currently existing on the remainder of the Airpark property. The rural uses include customary and usual aviation-related activities such as takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed based operations and other activities incidental to the normal operation of the airport. They also include emergency medical flight services, law enforcement activities, aircraft service and training, aeronautic recreational and sporting activities and crop dusting activities. Further, they include some manufacturing uses that are airport related or airport dependent and of a rural density (buildings under 35,000 square feet). The public facilities and services at the airport include electricity, telephone and city water west of the runway. Airport buildings have on-site septic systems, and water is available east of the runway from a well on-site.

These uses and facilities have co-existed in a compatible manner with adjacent and nearby agricultural activities for over half a century. For this reason, there is no good reason to believe that airport related development on these 3.22 acres that is similar to the airport related development elsewhere at the Airpark would not also remain compatible with these uses.

In conclusion, this application satisfies the requirements in OAR 660-004-0018(2)(b). For that reason, a new goal exception is not required. The application complies with Goal 2, Part II.

The County finds the applicant has adequately addressed Goal 2, **with a recommended condition described above: that requires the Port to either obtain County approval of a Goal 14 exception for this site or bring this site inside Scappoose's urban growth boundary before on-site construction could occur or limit any new or expanded industrial building to not exceeding 35,000 square feet in size.**

Goal 3 (Agricultural Lands): The County finds this goal is not applicable. The subject property is not agricultural land.

Goal 4 (Forest Lands): The County finds that this goal is not applicable. The subject property is not designated forestland.

Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources): The County finds that this goal is not applicable. There are no inventoried significant Goal 5 resources on or adjacent to the site.

Goal 6 (Air, Water and Land Resources Quality): Goal 6 addresses the quality of air, water and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed plan amendment and zone change would allow customary and usual aviation activities and airport related and dependent uses on the site. Because air pollutants can pose a safety hazard for pilots,

and because the Airport Industrial zone and the Aircraft Land Field Overlay Zone contain provisions requiring compliance with state and federal laws regulating smoke, dust, steam and other hazards to flight or air navigation, development on the site will be limited to “clean” industries and thus will not violate any applicable air quality requirements.

Water quality requirements can and will be met through compliance with state and local water quality standards applicable to the issuance of septic permits. Also, water quality impacts associated with increased impervious surfaces or industrial development can be mitigated through the use of effective land-based storm water treatment systems and through the use of construction techniques that include temporary and permanent Best Management Practices for erosion, sediment control and spill control and prevention.

Noise is defined as unwanted sound. The Airport Planning Rule provides for the establishment of noise impacts boundaries around airports within which certain uses are limited or prohibited. Because uses authorized within the subject property are uses permitted at and around airports, they would be consistent with Airport Planning Rule noise requirements. Moreover, noise associated with new uses can be controlled through building requirements and construction methods to minimize impacts on adjacent and nearby residential properties. Currently, all residences near the Airpark lie outside the 65 DNL noise contour. Residential uses are not considered to be conflicting uses with airports when they are located outside the 65 DNL contour. See Master Plan at page 4-7 and Sheet 4-A; see also Airport Planning Rule, Exhibit 5.

For the above reasons the County finds that the proposal is consistent with Goal 6.

Goal 7 (Areas Subject to Natural Disasters and Hazards): The County finds that Goal 7 is not applicable. The site is not within a mapped flood plain, potential flood hazard, potential landslide hazard, or earthquake hazard area.

Goal 8 (Recreational Needs): The County finds that Goal 8 is not applicable. The subject property is presently designated for residential development and has not been planned for recreational opportunities.

Goal 9 (Economic Development): Airports are recognized as economic engines that can contribute substantially to the economic well being of a community. ORS 836.600 provides that it is the policy of the State of Oregon to encourage and support the continued operation and vitality of Oregon’s airports. OAR 660-013-0010(2) adds:

“Ensuring the vitality and continued operation of Oregon’s system of airports is linked to the vitality of the local economy where the airports are located. This division recognizes the interdependence between transportation systems and the communities on which they depend.”

While Goal 9 applies only to urban and unincorporated lands inside urban growth boundaries, expanding the Airpark by 3.22 acres to accommodate hangars or other airport related uses is consistent with Goal 9 because it will help ensure the vitality and continued operation of the Scappoose airport. This, in turn, helps benefit the local economy.

For the above reasons the County finds the proposal is consistent with Goal 9.

Goal 10 (Housing): The County finds that Goal 10 is not applicable. Goal 10 applies inside urban growth boundaries. This application will result in the loss of one rural residence located outside of Scappoose's UGB.

Goal 11 (Public Facilities and Services): Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services. It further provides that urban and rural development "be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."

The subject property consists of rural land that would become rural industrial if this plan amendment and zone change is approved. The site is currently served by a residential sewer septic system, well water, fire service and electric power. **According to the County Sanitarian, if the existing home is removed the septic system will be required to be abandoned as per OAR 340-71-185. This should be a condition of approval.** Urban sewer and water service are not available at this time and are not likely to be needed to support the uses that would go on the property. As noted above, existing FBO and manufacturing uses east of the runway are on septic systems and get water from wells. Uses locating on the subject property, also east of the runway, would be of a similar nature and density as existing uses and can be supported by similar rural types and levels of services and facilities.

The County finds that the proposal complies with Goal 11, subject to a condition that the septic system be abandoned as per OAR 340-71-185 if the house is removed.

Goal 12 (Transportation): Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through LCDC's Transportation Planning Rule (TPR), OAR 660, Division 12, and for airports, through LCDC's Airport Planning Rule, OAR 660, Division 13.

The Airport Planning Rule directs cities and counties to adopt comprehensive plans and land use regulations for airports consistent with the rule and ORS 836.600. Pursuant to that rule, the City of Scappoose and Columbia County have adopted land use regulations that authorize airport industrial development at the airport and promote aviation safety and airport compatibility.

The Airport Planning Rule also includes planning requirements that include identification of areas needed for existing and planned airport operations, including provision for new airport uses and expansion of existing airport uses. In furtherance of this directive, the Port of St. Helens developed its FAA-approved Airport Master Plan in 2004. As earlier noted, that plan provides for the acquisition of the subject property. Accordingly, this application is consistent with the Airport Planning Rule.

Uses at the Airpark will utilize the roadway system, which is subject to the Transportation Planning Rule. Pursuant to Goal 12 and the TPR, the City of Scappoose in 1997 adopted a transportation system plan (TSP). That plan anticipated new industrial development on and in the vicinity of Scappoose Industrial Airpark. Anticipated uses at the Airpark include hangars and tie-downs as well as airport-related manufacturing uses.

For the subject property, consistent with Goal 14, the manufacturing uses would be rural in their size and scale. Given the nature and demands of existing industrial facilities at the Airpark, the Port anticipates that traffic associated with these uses would be light compared to non-airport related industrial development.

Whenever a plan amendment or zone change is proposed, a local government must address compliance with OAR 660-012-0060. OAR 660-012-0060(1) provides:

“Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation significantly affects a transportation facility if it would:

“* * *.“© As measured at the end of the planning period identified in the adopted transportation system plan:“(A) Allow land uses or levels of development that would result in types or levels of traffic or access that are inconsistent with the functional classification of an existing or planned transportation facility;“(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or “© Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.”

In June 2006, the City of Scappoose considered the question of compliance with OAR 660-012-0060(1) in the context of an application by Sierra Pacific to annex and rezone (from Primary Agriculture-38 to Public Use Airport (PUA)) approximately 92 acres. These acres are located along West Lane Road west of the Scappoose Industrial Airpark, inside the Scappoose UGB. In a staff report dated May 31, 2006, the city planning staff provided a very detailed explanation as to how the proposed Sierra Pacific zone change complied with OAR 660-012-0060. Because the Port’s application affects the same roads and intersections that the Sierra Pacific application affects, the City’s analysis is relevant to and applies with equal force to the Port’s application. The Port believes that the analysis in the Sierra Pacific matter strongly supports the conclusion that the Port’s application complies with Goal 12 and the TPR.

Application of City Analysis to the Port’s Proposal

The Port’s rezoning of 3.22 acres would impact the same roadway network as the Sierra Pacific zone change. Traffic accessing the site via Highway 30 would either reach the site from the south via Crown Zellerbach Road, West Lane Road and Honeyman Road, or from the north via West Lane Road and Honeyman Road.

Like the Sierra Pacific property, the subject property would be available for airport related industrial uses. However, the Airport Industrial zone, unlike the PUA zone, is a rural zone, not an urban zone. Hence, the trip generation rate within this zoning district could be even lower than that determined for the PUA zone. Indeed, with 60 acres of the Meier site no longer available to the Port to meet its anticipated needs as set out in the Master Plan, and with identified needs for 50 more hangar spaces by 2022, it is most likely that the 3.22 acres in question will be used primarily for hangars, rendering the trip generation quite low. However no use for the subject site has been determined in the plan.

Applying the trip generation rate City staff used for the Sierra Pacific proposal, the 3.22 acres would generate 32 weekday trips, including approximately 6 AM and 6 PM peak hour trips. However, this number must be reduced by the loss of trips that will occur with the removal of the single-family residence on the property. According to the ITE Trip Generation manual, single-family dwellings generate about 10 vehicle trips per day. Using the City's trip generation rate for airport industrial development, this means that the Port's proposal would result in a net increase of just 22 vehicle trips per day, including about 4 trips during the AM and PM peak hours.⁴ Given that these trips would be spread out over the course of the day, and further given the per-hour capacity of affected roadways, an additional 22 trips per day appears to be a statistically insignificant number of additional vehicle trips on the roadway.

The difficult turning movement is the left turn from West Lane Road onto Highway 30 heading south at the West Lane Road/Highway 30 intersection. As the City and ODOT noted, with the imminent improvements to West Lane Road, together with improvements already made to Crown Zellerbach Road and the Crown Zellerbach/Highway 30 intersection, traffic (if any) that might otherwise have made this movement will be diverted southward along West Lane Road to Crown Zellerbach Road and thus avoid further degradation to the intersection.⁵

In conclusion, assuming that the trip generation levels applicable to the AI zone are similar to those applicable to the PUA zone, and given the elimination of 10 daily vehicle trips formerly associated with the residence on the subject property (which will be removed), the proposed plan amendment and zone change are consistent with the land uses envisioned in the Airpark Master Plan and described in the Airport Industrial AI Zone. Given the recent realignment of the signalized Crown Zellerbach Road/Highway 30 intersection, the recent improvements to Crown Zellerbach Road, and the planned improvements to West Lane Road, the proposed amendments will not have a significant effect on any of these facilities or on the West Lane Road/Crown Zellerbach Road intersection or West Lane Road/Honeyman Road intersection. While no improvements are planned for the failing West Lane Road/Highway 30 intersection, the planned improvements to West Lane Road and the prior improvements to Crown Zellerbach Road are sufficient to avoid degradation of ODOT's mobility standards for Highway 30, especially given the very small number of daily vehicle trips that would use the West Lane Road/Highway 30 intersection.

For the above reasons the County finds the proposal complies with Goal 12.

⁴ Should the site develop with hangars rather than manufacturing uses, it is likely that there would be even fewer peak hour trips, since peak hour trips tend to relate to the times that people arrive at or leave their work.

The Port's understanding is that left turn movements from Highway 30 southbound onto West Lane Road southbound, and right turn movements from West Lane Road northbound onto Highway 30 northbound, are not operating at a failed level of service.

Goal 13 (Energy Conservation): Goal 13 directs cities and counties to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles.

While airports may not be synonymous with the notion of energy conservation, Goal 13 does not prohibit new airports or the expansion of existing airports. Indeed, OAR 836.600 et. seq. and the Airport Planning Rule support and encourage airport use and expansion, and Goal 12 and the TPR authorize airport facilities and improvements as part of an overall multi-modal transportation network.

The proposed plan amendment and zone change would facilitate the clustering of airport related uses at the Airpark, consistent with Airport Planning Rule standards. Clustering airport facilities at the Airpark facilitates carpooling by employees and helps contribute to a more energy-efficient land use pattern. Providing for needed airport expansion next to the existing Airpark also helps facilitate the efficient movement of people and goods by air, which is in line with energy conservation practices. Further, by providing more hangars and flight opportunities at the Airpark, and providing additional employment opportunities at the Airpark, Columbia County residents would not need to travel as far to get to work or to obtain these services.

For the above reasons the County finds the proposal complies with Goal 13.

Goal 14 (Urbanization): The County finds that Goal 14 is not applicable. The proposed amendments do not authorize urban uses on rural lands or otherwise convert rural land to urban uses. Moreover, the airport uses set out in ORS 836.616(2) and OAR 660-013-0100 are permitted both on rural and urban lands without violating Goal 14.

CONTINUING WITH Columbia County Zoning Ordinance:

Section 1502.1(A)(3): **The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.**

Finding 7: The subject property is served by rural services including an individual sewer septic system, a private well, fire service and electric power. Service providers have determined the proposal can be approved, except that the septic system must be abandoned per state requirements if the house is removed, as discussed elsewhere in this report.

The site is served by Ring-A-Ring Road that is a rural county local road. The impact of the proposal on the transportation system is discussed in detail in this report.

At the time of a development proposal the adequacy of public facilities, services and transportation networks must be considered based on the type of use proposed and its impact. The County finds that the public facilities and services will remain at a rural level as a result of this proposal.

Continuing with CCZO Section 1605 Zone Change – Major Map Amendment Hearing Procedures

The hearing for a major map amendment shall follow the procedure established in Section 1505, 1502.1, 1502 1A and 1502 1B. This hearing cannot result on the approval of a major map amendment. The Commission may make a recommendation to the Board of County Commissioners that such a zone change be granted. Approval by the majority of the Commission is necessary in order to make recommendation to the Board of Commissioners. The Board of Commissioners hearing on the proposed zone change-major map amendment will be on the record unless a majority of the Board votes to allow admission of new evidence.

Following with CCZO, Section 1608;

Contents of Notice: Notice of a quasi-judicial hearing shall contain the following information:

- .1 The date, time and place of the hearing;
- .2 A description of the subject property, reasonably calculated to give notice as to the actual location, including but not limited to the tax account number assigned to the lot by the Columbia County Tax Assessor;
- .3 Nature of the proposed action;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held according to the procedures established in the Zoning Ordinance."

Finding 8 : The Planning Commission made recommendation on this application by recommending denial in Final Order dated September 22, 2006 signed by Chairman David Middle. The Board scheduled a hearing date for a final decision on January 31, 2007. All of the above were included in the Notice of Public Hearing published on January 17, 2007 in the newspapers of record not less than 10 days prior to the hearing.

COMMENTS:

1. The County Roadmaster has reviewed the application and has no objection to its approval as submitted.
2. The County Building Official has reviewed the application and has no objection to its proposal as submitted.
3. The Scappoose CPAC provided comments that object to its approval as submitted. This application should be denied until the Port has purchased all four of the neighboring RR-5 zoned properties because airport industrial use would be incompatible with existing RR-5. (Compatibility with adjacent use is required per state land use Goal 2-II)

5. The County Sanitarian has reviewed the application and has no objection to its approval as submitted. And stated, If the home is removed (permit required), the septic system will be required to be abandoned as per OAR 340-71-185. This action requires a tank decommissioning permit in addition to required building permit.
6. The Scappoose Fire District has reviewed the application and has no objection to its approval as submitted.
7. By phone with Glen on 8/30/06: State DLCD has not submitted written comment because their position was fully clarified during pre-application consultations. An Exception to Goal 14 (urbanization or more intense use) is not required and the use will remain rural in nature if the size of any proposed industrial buildings are less than 35,000 sq. ft.
8. The City of Scappoose has reviewed the application and has no objection to its approval as submitted.
9. Letter from Karen Harris, dated June 12, 2006, describing a hazardous condition on Ring-a-Ring Road near the sharp corner, with illustration map and pictures.
10. Letter from Karen Harris, dated September 11, 2006, in opposition to the application.

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this staff report.

CONCLUSIONS AND RECOMMENDATIONS:

Based upon the above findings, staff recommends **Approval** of this Major Map Amendment to amend the Comprehensive Plan re-designating the site from Rural Residential to Rural Industrial and to amend the Zoning Map of the Columbia County Zoning Ordinance to re-zone the subject property described in this application from Rural Residential (RR-5) to Airport Industrial (AI), with the following conditions:

1. The Applicant shall either obtain County approval of a Goal 14 exception for this site or bring this site inside Scappoose's urban growth boundary before on-site construction occurs; or, to assure a rural level of service any new development or industrial building shall not exceed 35,000 square feet in size.
2. Any proposed new use of the subject properties to this zone change will require a Site Design Review per CCZO, Section 1550, unless or until the property is annexed to the City of Scappoose.
3. If the existing home is removed the septic system will be required to be abandoned as per OAR 340-71-185.

ATTACHMENT B

Supplemental Findings ZC 06-05/PA 06-02

In addition to the findings of fact and conclusions of law set out in the Staff Report dated January 24, 2007 and in the Applicant's "Narrative in Support of Application for Plan Amendment and Zone Change", incorporated herein by reference, the Columbia County Board of Commissioners adopts the following supplemental findings in support of its decision to approve File Number ZC 06-05/PA 06-02:

1. In written or oral testimony provided by Karen Harris and the Scappoose CPAC to the Board of Commissioners, the argument was raised that the proposed plan amendment to Rural Industrial and zone change to Airport Industrial would result in development that is incompatible with the remaining rural residential uses. However, the Board finds that any incompatibilities associated the plan amendment and zone change will be eliminated or minimized for the following reasons.

First, the Board finds that the only compatibility requirement applicable to this application is the standard in OAR 660-13-0040(6) of the statewide Airport Planning Rule, which states that "when compatibility issues arise, the decision maker shall take reasonable steps to eliminate or minimize the incompatibility through location, design or conditions. A decision on incompatibility pursuant to this rule shall further the policy in ORS 836.600." The Board finds that any incompatibilities will be eliminated or minimized because the Airport Industrial zone includes setback, landscaping and lighting requirements that are aimed specifically at avoiding or minimizing incompatibilities with adjacent residential use, and because any development on the site would be required to undergo a hearing for site design review, at which compatibility issues can be raised, addressed and fully considered.

The Board further finds that the referenced ORS 836.600 policy is to encourage and support the continued operation and vitality of Oregon's airports, and it finds that ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located. The Board finds that the adopted 2004 Scappoose Industrial Airpark Master Plan encourages and supports the continued operation and vitality of the Scappoose Industrial Airpark and, in doing so, is linked to and supports the local economy. The Board finds that the Airport Master Plan expressly provides for Port acquisition of the subject property "if available"; that the Port purchased this property when its owner made it available to the Port for purchase; and that the redesignation and rezoning of the property to airport uses helps meet Port needs for additional land for future airport related uses. Accordingly, the Board's decision to approve this application is consistent with and furthers the state policy in ORS 836.600.

Second, the Scappoose CPAC argued that compatibility with adjacent uses is required per state land use Goal 2, Part II. While the Board recognizes that Goal 2, Part II (exceptions) requires a finding of compatibility when taking a "reasons" exception, it finds that this application does not involve a reasons exception, so that provision is not applicable and not a basis for denying this application.

Third, at the public hearing, the principal compatibility concern raised by neighbor Karen Harris related to maintenance of an easement along Ring-a-Ring Road. While the Board appreciates Ms. Harris's concern on this issue, it finds that maintenance of this easement does not relate to any approval standard applicable to this plan amendment and rezoning application and thus cannot serve as grounds to deny the application.

In summary, the Board concludes that any incompatibilities associated with development pursuant to the proposed plan amendment and zone change can be eliminated through the application of development standards applicable in the Airport Industrial zone and through the requirement that any proposed uses of the site first undergo site design review.

2. The Board finds that the Scappoose CPAC recommended denial unless all five residential lots along Ring-a-Ring Road were rezoned at one time. However, the Board finds that such an approach would be impracticable, because (1) under the Master Plan, the Port purchases land only when a landowner makes it available for purchase by the Port; (2) it is very unlikely that all five residential properties in this area would be offered to the Port for sale at one time; and (3) when a property owner offers to sell land to the Port, the Federal Aviation Administration provides about 95 percent of the funding, but in return for that funding the FAA requires that the property be rezoned within two years to allow airport related uses. Otherwise, the Port must reimburse the FAA. The Board concludes that the Port spending its own money to acquire land identified for purchase "if available" in its Master Plan does not benefit the Port, the County, the City of Scappoose or the local economy, and would not encourage or support the continued operation and vitality of the Scappoose Industrial Airpark, when federal funds are otherwise available to cover nearly all of the acquisition costs. Further, the Board finds that this basis for denial is not linked to any identified approval criterion.

3. Overall, the Board finds and concludes that this application meets the applicable review standards and is consistent with and furthers the direction set out in the 2004 Airport Master Plan.